

Attorney Docket No.: 3740-10600
Serial No: 10/670,777

REMARKS

Claims 1-20 are pending. Claim 1 has been amended to recite that the pay table modification is the winning of an alternative pot. Claims 9, 10, and 16 have been amended to make them depend from claim 1. Claims 5-8, 11-15, and 17-20 have been canceled. New claims 21-23 have been added. Support for new claims 21-23 may be found, *inter alia*, in original claim 5, original claim 19, and paragraph [0026], respectively. No new matter has been added.

Rejection of Claims 1-7, 11-14, and 17-20 Over Charron

Claims 1-7, 11-14, and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,542,669 to Charron et al. (hereinafter "Charron"). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 has been amended to recite that the pay table modification is the winning of an alternative pot, a feature which is not taught or suggested by Charron. Therefore, claim 1, as well as dependent claims 2-4, 9, 10, and 16, are believed to be patentable over Charron. Withdrawal of the rejections is respectfully requested.

Rejection of Claims 8-10, 15, and 16 Over Charron and Mishra

Claims 8-10, 15, and 16 are rejected under 35 U.S.C. §103(a) as being obvious over Charron in view of U.S. Patent Application Publication No. 2004/0053673 to Mishra (hereinafter "Mishra"). Claims 8 and 15 have been canceled, thereby rendering the rejection moot. The remaining rejected claims 9, 10 and 16 have been amended to depend from claim 1, as amended, which is patentable for the reasons set forth above. Applicants further respectfully traverse these rejections in that there is no motivation to combine the Charron and Mishra references.

Applicants further note that Mishra was filed on September 12, 2002, a mere 14 days prior to the filing date of U.S. Patent Application Serial No. 60/413,470, to which the present application claims priority, and which supports the inventions of the relevant

Attorney Docket No.: 374...10600
Serial No: 10/670,777

claims of the present application. Applicants are prepared to file a §1.131 Declaration to swear behind Mishra should Mishra be at issue subsequent to the present claim amendments.

New Claims 21-23

New claim 21 corresponds to original claim 5, and recites "selecting Blackjack as a game to be played" and "modifying the pay table entry associated with the at least one selected bonus winning outcome." While Charron briefly mentions blackjack in col. 1, line 18, the remainder of the reference exclusively addresses video poker. See, e.g., Figs. 1-5. Charron does not teach, disclose, or suggest applying its disclosed method to blackjack, nor does the Office Action contend so. Therefore, new claim 21 is believed to be patentable over Charron.

New claim 22 corresponds to original claim 19, and recites that the pay table modification is the re-ordering of the pay table such that the selected bonus hand is the highest ranking hand. Charron does not teach, disclose, or suggest this feature. For example, referring to Fig. 4, even though a five-coin flush is the bonus hand whose payout has been modified from 25 to 40, the five-coin flush clearly is not the highest ranking hand—e.g., it is still outranked by a four-of-a-kind, a straight flush, and a royal flush. In view of the above, new claim 22 is believed to be patentable over Charron.

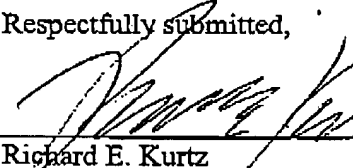
New claim 23 recites modifying pay table entries for game outcomes with rankings above that of the at least one selected bonus winning outcome. Charron does not teach, disclose, or suggest this feature. In view of the above, new claim 23 is believed to be patentable over Charron.

Attorney Docket No.: 3740...10600
Serial No. 10/670,777

CONCLUSION

Having responded to all objections and rejections, it is respectfully submitted that the application is in condition for allowance and Notice to that effect is solicited. Should the Examiner determine that any further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below. No further fees are believed due. However, if there are any fees due, please charge the same to our Deposit Account No. 50-0653 and reference the attorney docket number above.

Date: 6/14/05
Greenberg Traurig, LLP
1750 Tysons Blvd, 12th Floor
McLean, Virginia 22102
703-749-1300

Respectfully submitted,
By: 
Richard E. Kurtz
Registration Number 33,936